



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Examiner: **Eugene Lee Kim**
Group Art Unit: 3721

In re PATENT APPLICATION of

Applicants : Uwe HEITMANN et al.)
)
Appln. No. : 10/058,200)
)
Filed : January 29, 2002)
)
For : METHOD AND ARRANGEMENT)
FOR PRODUCING COMPOUND FILTERS)
)
Atty. Dkt. : 41653-188397)

REPLY BRIEF

October 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Reply Brief is being filed pursuant to 37 CFR 1.193(b)(1) in order to address the Examiner's Answer, which was mailed on August 27, 2004.

The Examiner states in the Response to Argument on page 5 of the Examiner's Answer that "The examiner interprets one conveyor to be one conveyor and not exclusively one conveyor for the whole operation." However, the claimed language is "a **single** conveyor into which tubes are deposited from the feeding element for supplying the filter tubes to the processing stations" as set forth in independent claim 90 (emphasis provided), and "a **single** conveyor ...; and a **plurality of processing stations** associated with **the** conveyor" as recited in independent claim 104 (emphasis provided). That is, claims 90 and 104 positively recite that more than one **processing** station is associated with the single conveyor.

Applicants agree that a cutting station is a processing station as a “process” is defined as “a continuing development involving many changes”; or “a particular method of doing something, generally involving a number of steps or operations” (Webster’s New World Dictionary, 3rd College Edition, page 1072, definitions 3 and 4). As mentioned in the Appeal Brief, the stopping and cutting operation should be considered a single process. According to Reynolds (GB 1,212,963), tubular elements are fed from a hopper 12 by means of a chain 14 and are then picked up by a conveyor arrangement 16, which moves the tubular elements until they reach a stop 20 and the tubular elements are cut by a rotating knife group. Nowhere does Reynolds indicate that stop 20 is a different station than the cutting station. In fact, Reynolds is clear that tubular elements progress until they reach stop 20 and then the tubular elements are cut. That is, stop 20 is part of the cutting process, and not a separate process. Consequently, Reynolds fails to disclose the claimed language of a **single** conveyor supplying filter tubes to a **plurality of processing stations** as required in independent claims 90 and 104. Accordingly, Reynolds cannot anticipate claims 90 and 104 and their depending claims.

As the Examiner acknowledges, Reynolds then discloses that the tubular elements are subsequently conveyed in another device, i.e., collector drum 24. Thus, Reynolds teaches that conveyor 16 moves the tubular elements to the cutting station and then, additional transporting means are used to move the tubular elements to other processing stations. Consequently, the Examiner’s Answer incorrectly refers to the additional transporting means as meeting the rotating device of one of the processing stations associated with the single conveyor as recited in dependent claim 91. Likewise, the Examiner’s Answer indicates that any number of conveyors can be used to supply filter elements to the plurality of processing stations. For the reasons set forth above, the claimed invention set forth in independent claims 90 and 104 require a **single**

conveyor that supplies filter tubes to more than one **processing** station. Dependent claims 91-96, 98-101, 103 and 105-106 add features to this single conveyor or to the plurality of processing stations supplied by the single conveyor. The Examiner's Answer ignores the claim language by interpreting the claims as one conveyor for supplying filter tubes to a processing station. This is not the claimed invention.

It is submitted that Reynolds is not capable of supplying filter tubes along a plurality of processing stations associated with the single conveyor. Thus, Reynolds cannot inherently meet the features of the claim language.

With respect to independent claims 107 and 115, Reynolds fails to teach a **single** conveyor and a plurality of processing stations for being supplied with the filter tubes by the single conveyor where one of the plurality of processing stations is a filtering materials insertion station. Instead, Reynolds teaches a drum 28 that holds filter elements 4 into which granules are fed from hopper 30. After the void of filter element 4 is filled, it is transferred to another drum 38 so that a cap can be inserted at the upper end of the filter element. Thus, contrary to the characterization of Reynolds in the Examiner's Answer, means 28 does not transport the filter tubes to hopper 30 and then to a cap inserting station. Means 28 merely transfers the filter elements from one drum 28 to another drum 38 where each drum is associated with a single processing station. Consequently, Reynolds fails to disclose the claims **single** conveyor that transports filter elements to more than one processing station. Accordingly, Reynolds cannot anticipate claims 107-109, 112-113, and 114-117 of the present invention.

Moreover, claims 107 and 115 positively recite "a filtering materials insertion station including means for inserting two portions of filtering materials in to a filter tube in a single operation step." While Reynolds discloses a hopper 30 for feeding granules into a tubular

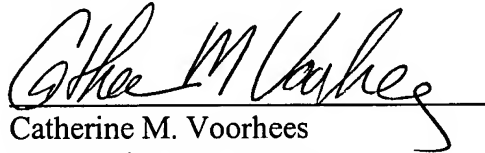
element, Reynolds does not show means for inserting two portions of filtering materials into a (single) filter tube in a single operation step. Instead, Reynolds shows means for inserting one portion of filtering materials into two filter tubes. It is respectfully submitted that one of ordinary skill in the art reading Reynolds' disclosure would not have considered modifying a station that inserts two portions of filtering material into a (single) filter tube in one operation as claimed by Applicants.

It is noted that the Examiner's Action does not discuss the alternative rejection under 35 U.S.C. §103(a). Reynolds clearly teaches that more than one conveyor element is used to supply filter tubes throughout the process stations taught by Reynolds. Reynolds does disclose a conveyor 16 that supplies tubular elements received from a chain, transporting means to a cutting station. After the cutting station, additional transporting means (i.e., collector drum 24, drum 28, drum 38, etc.) are used for each processing station. Thus, Reynolds teaches against the claimed invention, as set forth in claims 90-96, 98-101, and 104-106. Accordingly, there is not motivation to modify Reynolds to achieve Applicants' invention.

In view of the above, it is submitted that Reynolds fails to disclose each and every feature of the claimed invention (i.e., a single conveyor for supplying a plurality of processing stations); and also fails to suggest motivation to modify its structure as Reynolds teaches against the claimed invention. Accordingly, Reynolds cannot anticipate the claimed invention and claims 90-96, 98-101, 104-106, in addition to indicated allowable claims 97, 102-103, 110-111 and 114, are patentable over the art of record.

For the foregoing reasons, as well as those advanced in Appellant's Appeal Brief, it is respectfully submitted that the rejection under 35 U.S.C. section 102(b) or in the alternative under 35 U.S.C. section 103(a) should be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine M. Voorhees", is written over a horizontal line.

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